THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.2854 OF 2006

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Between:

T.Thomas son of Elias

…Petitioner

vs.

The District Collector, Nalgonda District and three others.

…Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION NO.2854 OF 2006

ORAL ORDER

The writ petition is hopelessly misconceived.

The petitioner's grievance is that the properties in which he has a share are being disposed and alienated by his brothers without involving him in the process of sale and without his consent. He seeks a direction to the Sub-registrar, Mothukur not to register any alienation in

respect of the specified lands till a demarcation, is made by the District Collector, of the lands which fall to his share vis-à-vis to the share of his brothers.

The writ petition is a camouflage to obtain an order in the nature of a declaratory relief of title or injunction, which could only be obtained in a properly instituted suit in a Civil Court of competent jurisdiction. No such interdictory order could be issued without the petitioner establishing his title to the property either exclusively or conjoint with his brothers and without establishing that the brothers are incapable of alienating the lands without his consent or contrary to his wishes. All these determinations are to be made only before the Civil Court of competent jurisdiction and not under Article 226 of the Constitution.

For the above reason, the writ petition is dismissed at the stage of admission. No order as to costs.

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GODA RAGHURAM,J

17TH FEBRUARY 2006

*TSNR